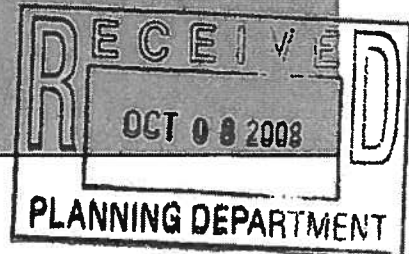


County of Loudoun
Department of Planning
MEMORANDUM



DATE: October 8, 2008
TO: Marchant Schneider, Land Use Review
FROM: Pat Giglio⁷⁶, Planner, Community Planning

SUBJECT: ZMAP 2008-0015, Miller Property

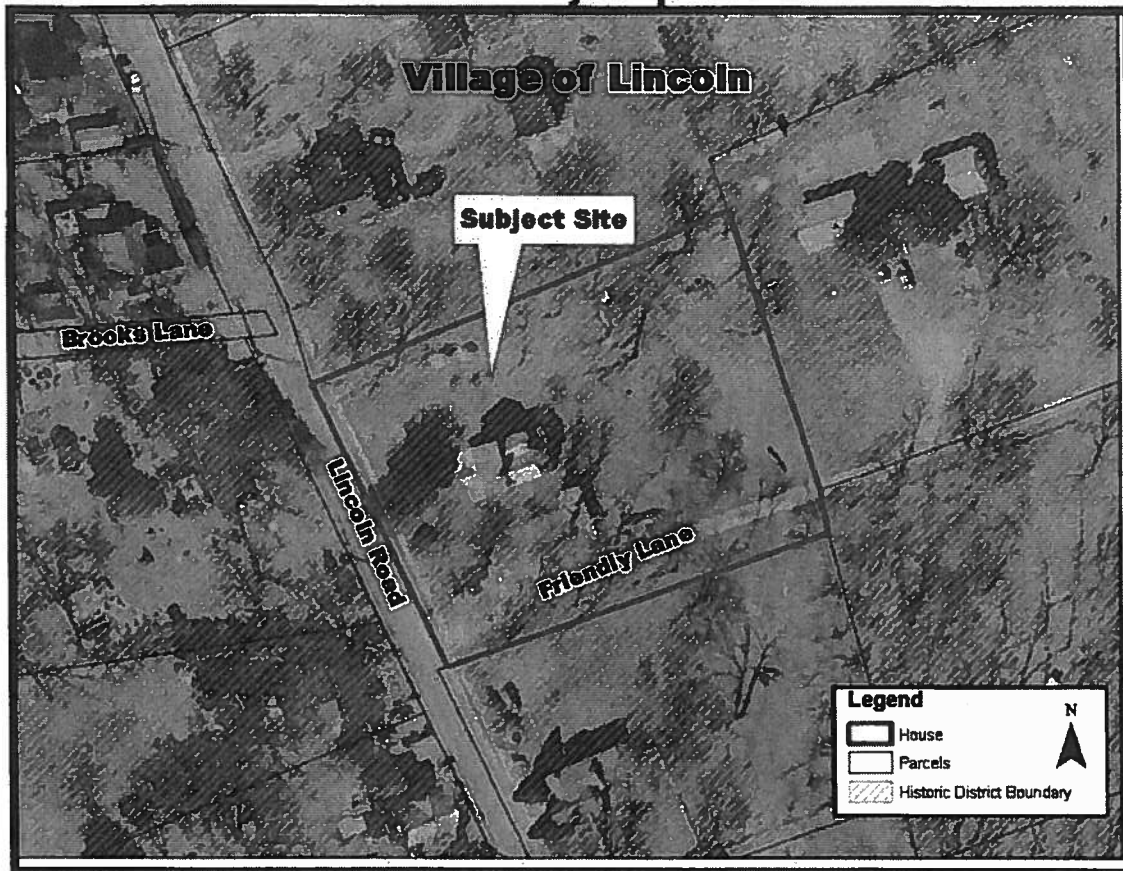
BACKGROUND

The applicants, Daniel D. and Elizabeth J. Miller, are requesting a Zoning Map Amendment (ZMAP) to remove the approximately one acre subject property located at 32824 Friendly Lane in the Village of Lincoln from the Goose Creek Historic and Cultural Conservation District (Goose Creek Historic District), which is administered as a historic overlay through the Loudoun County Zoning Ordinance. The subject property is located on the east side of Lincoln Road (Route 722) immediately north of Friendly Lane which bisects the southern boundary of the subject property (see vicinity map below). The subject property contains a two-story Victorian style house which was constructed during the late nineteenth and early twentieth centuries. The house is similar to other adjoining turn of the century Victorian houses which contribute to the overall streetscape of the Village of Lincoln. The subject property is also a contributing element within the Goose Creek National Register Historic District and the Goose Creek Virginia Landmarks Register Historic District which include the Village of Lincoln. The subject property has street frontage on Lincoln Road (Route 722) which is a designated Virginia Byway.

COMPREHENSIVE PLAN COMPLIANCE

The subject property is governed under the policies of the Revised General Plan (Plan). The Revised General Plan places the property within the northern tier of the Rural Policy Area and within the existing village of Lincoln (Revised General Plan, Chapter 10, Existing Villages Map). The Existing Village policies of the Plan apply to the Village of Lincoln and are applicable to the subject property. The policies of the County's Heritage Preservation Plan, adopted by the Board of Supervisors in December 2003, are also applicable.

Vicinity Map



Boundaries of subject site and existing Goose Creek
Historic and Cultural Conservation District.

ANALYSIS:

The County has developed specific policies for the protection and preservation of its heritage resources. The policies outlines the County's commitment to protecting buildings, historic landscapes and other features of particular historical significance in the context of their natural settings while working with landowners to convey the historic value of the resource to the community at large (*Revised General Plan, Chapter 5, Historical and Archaeological Resources, Policy 8*). The heritage resources policies call for the boundaries of the County's Historic and Cultural Conservation Districts to coincide with the boundaries of the National Register Historic Districts and Virginia Landmarks Register Historic Districts (*Revised General Plan, Chapter 5, Historical and Archaeological Resources, Policy 15, and Heritage Preservation Plan, Chapter 4, Historic District Policy 1*). In general the heritage resource policies pertaining to the County's Historic and Cultural Conservation Districts seek to maintain the composition and charter of the existing districts while providing the opportunity for the expansion of existing

districts and the creation of new districts (Revised General Plan, Chapter 5, Historical and Archaeological Resources Policies 13 & 14, and Heritage Preservation Plan, Chapter 4, Historic District Policy 4). The village policies of the Revised General Plan also encourage the preservation of historic structures and sites by promoting the establishment and expansion of County Historic Districts (Revised General Plan, Chapter 10, Existing Village Policy 11).



View southeast of subject property from Lincoln Road.

In effect since 1972, the Historic District Ordinance of the Loudoun County Zoning Ordinance, allows for the designation, review and protection of heritage resources through the creation of historic overlay districts. The Goose Creek Historic and Cultural Conservation District was formed in 1977 and is the largest historic district in the County. The 11,000 acre area encompassing the Goose Creek Historic and Cultural Conservation District is also designated as a National Register Historic District and Virginia Landmarks Register Historic District. These designations recognize the significance of the Goose Creek Historic District for its concentration of eighteenth and nineteenth century buildings, many of which are attributed to the early Quaker settlers of the area, and the pastoral rural historic landscape of the district. Also included within the Goose Historic

District is the Village of Lincoln with its concentration of late nineteenth and twentieth century Victorian architecture and Quaker Meeting House.

The subject property is a contributing element within the Goose Creek Historic District. The subject property contains a single-family residence constructed during the late nineteenth and early twentieth centuries. The two story Victorian style house features a crossed gabled standing seam metal roof with arched two-over-two double hung windows and scalloped shingles in the gable ends. The front elevation of the house features a shed roof porch supported by turned wooden posts with decorative wood brackets. The house is clad with asbestos shingles which cover the original wood lap siding. The applicant has recently completed an addition on the rear elevation of the house and raised the roof on the rear elevation.

The subject property is adjoined by other Victorian style houses which were constructed around the turn of the century which also contribute to the streetscape of the Village of Lincoln. The village contains some infill development resulting in the subdivision of larger lots which are characterized by the construction of more contemporary mid-to-late twentieth century residences. The inclusion of the subject property within the Goose Creek Historic and Cultural Conservation District is important as the property contributes to the streetscape of the Village of Lincoln and maintains many of its character defining Victorian elements. Plan policies do not support the removal of properties from the County's historic districts, but instead support the expansion of existing districts to coincide with the boundaries of National and State historic districts, as well as the creation of new historic districts. Plan policies do not support the removal of the subject property from the historic district.

Staff finds that removal of the subject property from the Goose Creek Historic and Cultural Conservation Districts is not in conformance with the policies of the Revised General Plan and Heritage Preservation Plan which support the expansion of existing districts to coincide with the boundaries of national and state historic districts, as well as the creation of new historic districts.

Staff defers to the Department of Planning, Community Information and Outreach Division for additional comments which will be provided under separate cover.

RECOMMENDATION

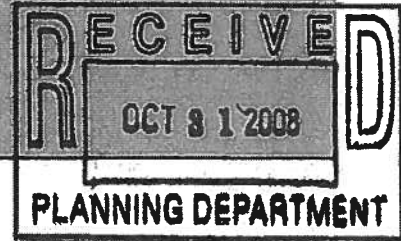
Staff finds that the application for a Zoning Map Amendment (ZMAP) to remove the subject property from the Goose Creek Historic and Cultural Conservation District is not supported by the policies of the Revised General Plan and Heritage Preservation Plan. Staff recommends denial of the application.

Staff would be happy to meet with the applicant to further discuss the application.

CC: Julie Pastor, AICP, Director, Planning
Cindy Keegan, AICP, Program Manager, Community Planning-via email
Miguel Salinas, Program Manager, Community Information and Outreach

This page intentionally left blank.

County of Loudoun
Department of Planning
MEMORANDUM



DATE: October 31, 2008

TO: Marchant Schneider, Senior Planner, Land Use Review

FROM: Heidi Siebentritt, Historic Preservation Planner, Community Information and Outreach

SUBJECT: ZMAP 2008-0015, Miller Property

BACKGROUND

The applicant is requesting to re-zone a .99 - acre property containing a late 19th century Victorian vernacular residence out of the Goose Creek Historic and Cultural Conservation District. Since 1972, the County has designated six County-administered Historic and Cultural Conservation (HCC) Districts and one Historic Roadway (HRD) District as provided for by Section 6-1800 of the Revised 1993 Zoning Ordinance ("Ordinance"). The Board appointed Historic District Review Committee (HDRC) is designated through the Ordinance and acts on behalf of the Board of Supervisors in the review and approval of applications for a Certificate of Appropriateness (CAPP) for alterations or additions to any structure, new construction or the proposed demolition of any structure in a Historic District.

Historic district overlays are the only regulatory tool local governments have to protect and preserve historic buildings and areas of historic significance. The County cannot mandate the preservation of any building outside of the overlay. Further, a property owner may demolish his or her historic building without County review unless the building is in a locally designated historic district.

ANALYSIS

The property, which is the subject of ZMAP 2008-0015, is located within the boundaries of the rural area of the Goose Creek Historic and Cultural Conservation District ("District"). The property is located in the center of the Village of Lincoln which contains the largest concentration of historic architecture in the District. The subject property contains a circa 1880 Victorian residence which is one of several buildings along Lincoln Road that represent the post Civil War prosperity of the Village in the late 19th century. Residences of a similar

time period and architectural style are located to the north and south of the property and adjacent to the property on the west side of Lincoln Road. Although there are 18th and early 19th century buildings of significance in the Village, notably both the stone and brick Quaker Meeting Houses and the Oakdale School, the majority of the Village is characterized by the vernacular Victorian architecture of the late 19th century and early 20th century which, together, contribute to the significance of the Historic District as a whole. The subject property is part of this collection of historic architecture.

This is not the first petition to the Board of Supervisors regarding the subject property and its inclusion in the District. In 2006, after the applicant began a rear addition to the house without building and zoning permits and without seeking a CAPP from the HDRC, the property was the subject of a zoning complaint. In response to the complaint the applicant pursued approval of a retroactive CAPP from the HDRC for "as built" alterations to the house. The CAPP was denied by the HDRC and the denial was appealed to the Board of Supervisors in 2007 (Attachment 1). In deciding the appeal, the Board allowed the applicant to proceed with construction without a CAPP, but required the applicant to obtain all other required County permits. As part of the appeal, the applicant provided the same information in regard to the creation of the District and the inclusion of the subject property in the District in 1977 as is provided in the current application. The County has found no evidence that the property was wrongly placed in the District. The property continues to be mapped within the District overlay and is subject to all associated affects of designation.

Subsequent to the appeal, a Board item was initiated regarding property owners in the District. The item recommended that property owners not wishing to remain in the District, inclusive of the applicant, be allowed to "opt out" without the required application for a Zoning Map Amendment. In 2008, the Board of Supervisors voted to take no further action on the issue, recognizing that the re-zoning process is the appropriate process for property owners seeking a change in zoning designation.

Goose Creek Historic District

Significance

The Goose Creek Historic and Cultural Conservation District is a rural district adopted by the Board of Supervisors and designated as a County HCC district in 1977. The District was initiated by residents within the adopted District boundary through signed petition and encompasses approximately 11,000 acres south of Hamilton and Purcellville to the North Fork, and includes the village of Lincoln. The District was created to recognize and protect the rural historic character of this portion of the County. The area was settled predominantly by Quakers in the mid 18th century around the Goose Creek Friends Meeting in what is now the Village of Lincoln, where the largest concentration of historic architecture in the District spanning 250 years remains. The architecture of the District is diverse,

but a core inventory of stone, brick and log 18th and 19th century Quaker architecture are prevalent throughout the rural area. The District was listed in the Virginia Landmark Register in 1981 and the National Register of Historic Places in 1982 (Attachment 2). The National Register nomination for the Goose Creek District states that the Goose Creek area sustained the largest population of Quaker settlers in Virginia and that their unique cultural identity gave the "Quaker community a distinctive cast that is still reflected in the district's wealth of architectural and geographical resources." The nomination further states that "no other section of Northern Virginia contains more examples of stone architecture and few other settled rural areas of the Commonwealth possess such a high degree of unspoiled pastoral beauty..."

The District is singular in both the County and the state as the largest locally designated district which recognizes not only the architecture of the area, but also the historic settlement patterns and agricultural landscape that characterize this portion of the County. Within the District boundary there are residences and agricultural structures that mark the evolution of the rural landscape over the last 275 years, from the earliest Quaker structures to the present. The Village of Lincoln contains the largest concentration of historic buildings exhibiting historic architecture from the 18th century through the early 20th century. Lincoln contains a core of vernacular Victorian style residences, a style specific to the late 19th and early 20th centuries. These remain a marker of post Civil War prosperity for the Village. Though residential development has occurred in and around the Historic District over the last 10 years particularly, it is important to note that, due to local historic district designation, the array of significant resources described in the National Register nomination have been largely preserved. In fact, in 2005, the Goose Creek Historic District was expanded when the District was amended to add nearly 600 acres of land associated with the Quaker settlement of the area, effectively extending the District's eastern boundary.

History of Designation

The District, which includes the village of Lincoln, was adopted by the County on February 7, 1977, with the approval of ZMAP #237. The District was initiated by residents within the adopted District boundary through signed petition. The owner of the subject property at the time of the District's creation, Mrs. Pansey Stewart, was a signatory to the petition. At the time the District was initiated by residents, several property owners within the proposed District boundary did not sign the petition. At the time the District was adopted, non-signatories were not included in the District. This fact is reflected in the map of the Goose Creek District which shows "holes" in the District where property owners at the time wished not to be included in the Historic District overlay.

After the District was adopted, several property owners included in the District as signatories to the petition wrote letters to Mr. Crossman, then Chairman of the Board of Supervisors, requesting to be removed from the District. At the April 18, 1977, Board of Supervisors meeting, Chairman Crossman initiated a resolution

that any property owner within the Goose Creek District could be removed from the District via written notice to the Board of Supervisors by a cut off date of May 2, 1977. By a vote of 5-4, the Board decided that the resolution be "passed over...indefinitely." There is no record that the resolution was ever re-introduced. ***All pertinent documents can be found in Attachment 1.***

Response to Applicant's Statement of Justification

In reviewing the applicant's submission materials, it appears that Section 6-1803 (Criteria for Designation of Historic Districts) has not been sufficiently addressed. The applicant has noted three justifications for the re-zoning, none of which address the issue of whether the property contributes to the District and whether the District would be impacted if the property were removed. Staff will respond to each of these below:

Applicant's Statement I : The signatures of both property owners were required for inclusion in the district and only one property owner signed the petition. Further, a letter received by the County on April 19, 1977, shows that the property owners (one of whom signed the petition to create the district) did not want to be included.

Staff Response: When the Goose Creek District was adopted by the Board of Supervisors on February 7, 1977, the Zoning Ordinance (1972 Zoning Ordinance) did not require property owner consent to form an historic district or include property in an historic district. Section 15.2 – 2306 of the Code of Virginia gives local governments this authority which is consistent with the authority of local governments to establish zoning districts in general. The letter from the property owner was received by the County after the District was legally adopted by the Board of Supervisors as a zoning overlay district. No subsequent action was initiated by the property owners to rezone the property out of the established district.

Applicant's Statement II: Cosmelia Janney did not reside at the house and nothing of historic significance occurred on the property.

Staff Response: There are very few buildings in any of the County's established districts that are eligible for listing in the National Register of Historic Places as individual properties. Historic Districts are designated because they contain a collection of buildings that, together, represent the historic settlement patterns and architecture of an area. Boundaries of historic districts encompass the greatest number of resources which individually contribute to the significance of the district as a whole. Each structure included in a district is considered as contributing to the overall significance of the district. The subject property is one of several buildings representing the late 19th century Victorian architecture of the village. These buildings, together with the earlier Quaker architecture in Lincoln and the larger District, contribute to the local and national significance of the Goose Creek District. The significance of the subject property as a contributing resource to the Village of Lincoln and to the Goose Creek District as a whole is not dependant on an individual historic figure or event. The subject property is not considered a contributing resource to the District because of Cosmelia

Janney's tenure on the property. Rather, it contributes to the District because it is one of several historic buildings that, together, represent a specific period in the history of the Village of Lincoln which continues to be preserved.

Applicant's Statement III: The house started as a one room structure and the building evolved into a residence over time with no discernable architectural style.

Staff Response: A photograph taken prior to recent alterations to the residence shows the existence of a small rear structure appended to the main block of the house (Attachment 2). The applicant has stated in previous correspondence that this was the oldest portion of the house. Because the applicant demolished this portion of the house in 2007 without a permit or a CAPP from the HDRC, further investigation of the age of the structure and its use are not possible. The house was surveyed by the Virginia Landmarks Commission in 1980 and recorded as a simple frame Victorian residence built in 1880 (Attachment 3). There are several vernacular Victorian residences of similar size and style as the subject property, along Lincoln Road in the Village of Lincoln. Although the recent demolition and construction work performed by the applicant has distorted the classic vernacular Victorian form of the house to some degree, the overall form and details (pediment, porch details, etc.) remain.

ISSUES

Section 6-1802 of the Zoning Ordinance states that the intent of district designation is to *"effect and accomplish the protection, enhancement, perpetuation and use of improvements and areas of special character or special historic interest or value which represent or reflect elements of the County's cultural, social, economic, political, architectural and archaeological history"* The Ordinance further states that the intent of designation includes fostering of civic pride in the heritage of the County, the improvement of property values and the enhancement of the County's tourism industry. The criteria for designation set forth in Section 6-1803 of the Ordinance also pertains to additions or deletions of land to designated districts as stated in Section 6-1807.

Section 6-1803, HCC Districts may be created for areas that contain buildings or structures whose exterior design features exemplify the distinctive characteristics of one or more historic types, periods or methods...or, "possess an identifiable character representative of the architectural, archaeological, and cultural heritage of Loudoun County." Applications to create districts or to add land to districts are evaluated on the criteria provided in 6-1803. Section 6-1806 of the Ordinance contains "Procedures for Designation" and specifies that an applicant must establish how individual properties contribute to the historic character of the overall district and how individual properties relate geographically to the overall district. As such, an application to remove property from an established district must include documentation establishing that a property included in a district does *not* contribute to the historic district, and that its removal from the district would *not* negatively impact or undermine the zoning overlay.

The circa 1880 residence is a contributing resource to the Goose Creek Historic and Cultural Conservation District which is recognized on the local, state and national levels as an area of historic significance. The property is located in the center of the Village of Lincoln and is surrounded by historic residences of similar style and vintage. The Village contains the largest cohesive collection of historic architecture in the District. The majority of the historic architecture in the Village, including the subject property, is representative of the late 19th century and is classified as "Victorian." This collection of these buildings, in conjunction with the earlier Quaker architecture in the southern portion of the Village and the surrounding rural countryside, are the reason that the Goose Creek District is recognized for its historic and architectural significance on the local, state and national levels. The existence of both the quality and quantity of historic architecture in the Goose Creek area precipitated the creation of the local historic district. The purpose of the designation is the collective preservation of these resources.

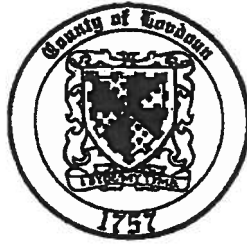
There are currently "holes" in the District which were created at the time of adoption as noted previously in the referral. Removal of the subject property from the Historic District would create an additional void in the District and would undermine the intent and effect of the designation of the Goose Creek District. Further, allowing the removal of a property located in the center of a Village, which is considered a contributing resource to a locally and nationally recognized historic district, may set a precedent for all of the County's historic districts. This precedent would undermine the purpose and intent of local district designation set out in Sections 6-1800 of the Ordinance and could lead to additional rezoning applications of this nature.

RECOMMENDATION

Based on the historic significance of the property as a contributing resource to the Goose Creek Historic and Cultural Conservation District and the property's location in the District, staff recommends denial of the application.

cc: Julie Pastor, AICP, Director, Department of Planning
Michael "Miguel" Salinas, Program Manager, Community Information and Outreach

A12



#9

DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: June 13, 2007

SUBJECT: APPL 2006-0019 Appeal of Historic District Review Committee Decision

DECISION DEADLINE: At the Pleasure of the Board

ELECTION DISTRICT: Blue Ridge

PROJECT PLANNER: Heidi Siebentritt

EXECUTIVE SUMMARY

Daniel and Elizabeth Miller have filed an appeal of the October 2, 2006, decision of the Historic District Review Committee ("HDRC") to deny their application for a Certificate of Appropriateness ("CAPP") for alterations to an existing historic structure in the Goose Creek Historic and Cultural Conservation District. These alterations had been constructed without HDRC review or the acquisition of building permits, both of which were required (Attachment 1). The HDRC denied the application based on finding that the scale and massing of the alterations to the rear of the house "as built" were inconsistent with the principles set forth in the Historic District Guidelines for the Goose Creek District, and that the plans submitted by the Millers for retroactive approval were incomplete and did not accurately depict the construction undertaken or proposed construction. The appeal was initially scheduled for hearing at the January 9, 2007 public hearing. The appellants requested that the appeal be deferred to accommodate a possible resolution with the HDRC.

RECOMMENDATION

Staff recommends that the Board of Supervisors uphold the October 2, 2006 denial of the Millers' application for retroactive approval of the alterations to the rear elevation and roof line which had been constructed in the Goose Creek Historic and Cultural Conservation District without permits and without HDRC review, and direct staff to hold fines in abeyance while the Millers pursue approval of a new CAPP.

SUGGESTED MOTIONS

1. I move to forward this item to the July 3, 2007 Business Meeting for action.

OR

2. I move to suspend the rules

AND

- 2b. I move that the Board of Supervisors uphold the October 2, 2006, decision of the Historic District Review Committee to deny the Miller's application for a Certificate of Appropriateness for as built alterations to the rear elevation and roof line in the Goose Creek Historic and Cultural Conservation District based on the findings, delineated on page two of the staff report. I further move to direct staff to keep fines in abeyance while the Millers pursue approval of a new CAPP.

OR

3. I move an alternate motion.

A-13

FINDINGS

1. The Millers were advised on April 17 and April 19, 2006, by both county zoning and planning staff that the subject property was in the Goose Creek Historic and Cultural Conservation District and that zoning and building permits, as well as a Certificate of Appropriateness were required prior to construction.
2. Planning staff provided documentation on April 19, 2006, to Mrs. Miller that the subject property was in the Goose Creek Historic and Cultural Conservation District and advised Mrs. Miller that proceeding to construction without a Certificate of Appropriateness and required permits would result in a zoning violation.
3. The County's Historic District Guidelines are by reference a part of the Loudoun County Zoning Ordinance and new construction, alterations to existing, and demolition of structures are subject to the Guidelines.
4. The "as built" construction of the rear addition to the subject property which commenced in June 2006 is not in compliance with the Historic District Guidelines with respect to scale and massing.
5. The Historic District Review Committee's review and action to deny CAPP 2006-0025 was done in accordance with the Historic District Guidelines.

VICINITY MAP



Directions: West on Route 7 Bypass to Route Purcellville. South on Lincoln Road (Route 722) to Lincoln. Left on Friendly Lane.

I. Background

There are six designated County-administered Historic and Cultural Conservation Districts in the County as provided for by Section 6-1800 of the Zoning Ordinance. The Board-appointed Historic District Review Committee (HDRC) is designated through the Ordinance and acts on behalf of the Board of Supervisors in the review and approval of applications for a Certificate of Appropriateness for alterations or additions to any structure, new construction, or the proposed demolition of any structure in an Historic District. The subject property is located within the boundaries of the Goose Creek Historic and Cultural Conservation District and is, therefore, subject to the Historic District provisions of the Zoning Ordinance. A chronology of events associated with the formation of the Goose Creek District and the current Miller appeal is attached for the Board's reference (Attachment 2).

A. Creation of Goose Creek Historic District

The Goose Creek Historic and Cultural Conservation District ("District"), which includes the village of Lincoln, was adopted by the County on February 7, 1977, by the approval of ZMAP #237 (Attachment 3). The District was initiated by residents within the adopted District boundary through signed petition. The owner of the subject property at the time of the District's creation, Mrs. Pansey Stewart, was a signatory to the petition (Attachment 4). At the time the District was initiated by residents, several property owners within the proposed District boundary did not sign the petition. At the time the District was adopted, non-signatories were not included in the District. This fact is reflected in the map of the Goose Creek District which shows "holes" in the District where property owners at the time wished not to be included in the Historic District overlay (Attachment 5).

After the District was adopted, several property owners included in the District as signatories to the petition wrote letters to Mr. Crossman, then Chairman of the Board of Supervisors, requesting to be removed from the District. At the April 18, 1977, Board of Supervisors meeting, Chairman Crossman initiated a resolution that any property owner within the Goose Creek District could be removed from the District via written notice to the Board of Supervisors by a cut off date of May 2, 1977. By a vote of 5-4, the resolution was not approved and was "passed over...indefinitely" (Attachment 6). There is no record that the resolution was ever re-introduced. The Miller's appeal erroneously states that the Board acted to adopt the resolution, then at a later unspecified time, rescinded that action.

Fourteen letters asking for removal from the District were received by the County from property owners who were included in the District as signatories. The majority of these letters were received prior to the April 18, 1977, Board meeting in anticipation of Mr. Crossman's resolution. On April 19, 1977, a day after the resolution failed, the County received a letter from Ms. Stewart asking to be removed from the District (Attachment 7).

Each of the documents referenced above were provided to Mrs. Miller at a meeting with Planning and Zoning Permit staff on April 19, 2006. The documents were researched by staff and presented to Mrs. Miller in response to her request for proof that her property was indeed included in the Goose Creek District.

II. Miller Appeal

The Miller's property is located in the Village of Lincoln within the boundaries of the Goose Creek Historic District. The house was surveyed by the Virginia Historic Landmark's Commission in 1980 (Attachment 8). The survey states that the house is a simple frame Victorian constructed in 1880, and that Cosmelia Janney, a local artist, lived there at the turn of the century. County records indicate a 1908 date of construction.

The Miller appeal deals with two distinct issues which are outlined below:

A. Inclusion in Historic District and Permit Requirements

The appellants state in their appeal that they were unaware that their property was in a historic district when they began construction and were not made aware that their property was in an historic district until they were in receipt of a Notice of Violation on August 25, 2006. The appellants further contend that County staff advised them that neither permits nor a Certificate of Appropriateness were required for their construction.

Application was made to the County on April 12, 2006, for a building and zoning permit. The application stated that the permit was for roof replacement and replacement trusses (Attachment 9). On April 17, 2006, Mrs. Miller was contacted by Jo Schurtz in zoning permits. Ms. Schurtz explained to Mrs. Miller that permits could not be released for their project until an approved Certificate of Appropriateness (CAPP) from the Historic District Review Committee had been obtained (Attachment 10). Mrs. Miller was advised to contact Heidi Siebentritt in the Planning Department to apply for a CAPP. Mrs. Miller contacted Heidi Siebentritt on April 17, 2006 and stated that she did not believe her property was in the Historic District and asked Ms. Siebentritt to research the matter.

On April 19, 2006, Mrs. Miller, Ms. Schurtz, and Ms. Siebentritt met at the Planning Department office. Mrs. Miller was given the documents referred to in the text above and listed below:

1. Mrs. Stewart's signature on the petition to create the Historic District;
2. Copy of a letter received by County Administration in April 19, 1977, from Mrs. Stewart asking to be allowed out of the District;
3. Copy of a Board initiated resolution to allow property owners in the newly adopted Goose Creek Historic District until May 2, 1977, to remove their land from the District via petition to the Board;
4. Copy Teste from April 18, 1977, Board of Supervisors meeting showing that the resolution was not adopted.

Mrs. Miller was informed on April 19, 2006, and in two subsequent phone conversations, that all County records indicate that the subject property is in the Goose Creek Historic District and that, unless additional information to the contrary was provided, a CAPP would be required for their construction plans. Ms. Siebentritt advised Mrs. Miller that proceeding to construction without permits could lead to a zoning complaint and a zoning violation. Mrs. Miller contacted the Director of the Department of Planning on July 31, 2006, to discuss the historic district designation. The Director advised Mrs. Miller to obtain a CAPP.

The appellants proceeded to construction without permits and without the required HDRC review and approval of a CAPP. A zoning complaint was filed with zoning enforcement on August 2,

2006. A Notice of Violation (NOV) was sent via certified mail on August 14, 2006; however, a signature from the Millers indicating receipt of the letter was never obtained. Zoning enforcement staff was required to post a new NOV, dated August 25, 2006, to the front door of the appellant's home. The NOV stipulated that the Millers must contact the Department of Planning and obtain an approved CAPP for the construction. The NOV further advised that work on the exterior of the house must cease. Although Mrs. Miller had several conversations and one meeting with planning and zoning staff, including a phone conversation with the Director of Planning, between April and July of 2006 about the CAPP requirement for her project the appeal states that the Millers were not aware that their property was in a historic district until the August 25, 2006, NOV was received.

The appeal states that the issued NOV erroneously cites an enlargement to the footprint of the house. At the time of zoning enforcement inspection, the rear additions to the house had already been demolished exposing the stone foundation (Attachment 11). Unaware of the demolition (as no permits were obtained), enforcement staff assumed that the exposed foundation represented an enlargement of the footprint of the building and this is noted in the NOV. It is important to note that the house was enlarged with the raising of the roofline and enclosure of the rear elevation. The newly raised roof projects 4 feet above the roofline of the original house accommodating an additional second floor living area and attic space. Permits are required for the roof replacement, truss replacement, window realignment, plumbing, electrical and mechanical work. The NOV also cites that the appellants failed to obtain a CAPP. As stated above, the Millers were aware of both the permit and CAPP requirements in April 2006.

The appeal states that Mrs. Miller attended an HDRC meeting to get information on the application process. Mrs. Miller attended the August 7, 2006, HDRC meeting which occurred two months after construction on her home commenced. Mrs. Miller attended the HDRC meeting as a member of the public and advised the Committee during public comment that she may, or may not, be bringing a formal CAPP application to the Committee sometime in the future.

B. "As Built" Construction and Compliance with Historic District Guidelines

A CAPP application was received on September 1, 2006, and was placed on the October 2, 2006 HDRC agenda. A portion of the application materials were dated April 8, 2006 and apparently related to the appellants' permit application filed on April 12, 2006. The Statement of Justification included in the application suggested that the construction was proposed rather than already built. Nowhere did the application reflect that construction had commenced and that the application was actually for retroactive approval of "as built" alterations to the house (Attachment 12).

The staff report provided to the HDRC at the October 2, 2006, meeting stated that the "as built" roof alterations were not consistent with the Historic District Guidelines and that more clarification was needed on the details of the proposal, such as window and door treatment and siding material (Attachment 13). Excerpts from the Historic District Guidelines that are applicable to the Miller's CAPP are attached (Attachment 14). Additions to Victorian era architecture in Lincoln are traditionally either subordinate in scale and mass with a lower roofline, or consist of a rear "ell" (wing) and cross-gable where the intersecting rooflines of the main structure and rear addition are on the same plane. The Guidelines specifically refer to this building tradition in Lincoln and the chapter on Massing relates to this architectural principle. The smaller additions

to the Miller property that were demolished as part of the new construction (Exhibit 16 of the appeal) were subordinate to the main dwelling and typical of the village.

Although the appellants have consistently referred to this construction project as a simple "roof replacement" in both their initial permit application and subsequent CAPP applications, alterations to the house reflect the demolition of a small rear addition and the construction of a new rear gabled addition which is 4 feet higher than the roofline of the main house, creating additional square footage to the second floor and an attic. The rear roofline terminates with a projecting pediment that mirrors the pediment on the front of the original house, but it is significantly higher than the original house (Attachments 15-17). The original metal roof was removed and the entire structure was sheathed in bright blue metal roofing. Windows have been replaced and realigned, a new rear door added and siding has been removed. The Millers have stated that they did not intend to construct the rear roofline higher than main house, but that the current roofline is the result of an error in measurement.

On October 2, 2006 the HDRC voted 6-0-0 to deny the Miller CAPP 2006-0025 in accordance with the Historic District Guidelines for the Goose Creek District based on inappropriate roof massing, incomplete drawings and insufficient information, including insufficient window and siding detail (Attachment 18). The HDRC denial was the end result of lengthy discussion with the appellants on how to bring the project into compliance with the Guidelines. The appellants did not indicate an interest in correcting the roofline, compelling the HDRC to take action on the application. The HDRC encouraged the Millers to seek professional advice on how to bring the rooflines into a single plane and return with a new application. The HDRC clarified to the Millers that even if the roofline had been consistent with the Guidelines, the submitted drawings could not have been approved because they did not accurately depict either the "as built" alterations or the proposed alterations to the house.

Appeal Process

The Millers filed an appeal of the HDRC decision on November 2, 2006. The appeal was placed on the Board of Supervisors' January 9, 2007, public hearing agenda. As a result of a December 29, 2006 meeting with Supervisor Burton, staff, the Millers and the Millers' attorney, the Millers requested deferral of the appeal so that they could pursue possible resolution of the matter with the HDRC. It was decided that two members of the HDRC would meet with the Millers in an effort to find solutions to the inappropriate roofline and massing of the addition so that a new CAPP could be submitted and approved. After initial contact was made between the Millers' attorney and staff at the beginning of January 2007 to set a meeting date, the Millers did not pursue the meeting. Instead, the Millers continued working on the exterior of the house in direct contradiction to the NOV. As a result, the County Building Official issued a "Stop Work Order" on February 1, 2007 and fines were levied against the appellant on February 6, 2007.

The Millers' attorney contacted staff in March and meetings between the Millers and Mike Was and Tom Bullock of the HDRC took place on March 19 and March 27. It was explained to the Millers on several occasions that Section 6-1904 (D) of the Zoning Ordinance prohibits the HDRC from reviewing an application that had already been denied for the period of 1 year unless the applicant purports to have addressed the reasons for denial in a new application. Because of this, the Millers would need to resolve the roofline and massing problems and submit accurate plans to the HDRC so that the HDRC could review it as a new application. Initial discussions focused on raising the roofline of the existing home to match that of the rear addition

so that the rooflines would be consistent and the original house would remain on an equal plane with the addition. The Millers stated that they would not pursue this solution.

In an effort to find a compromise solution, the HDRC members suggested painting the bright blue metal roof black to de-emphasize the height of the rear roofline and the massing of the rear addition. This solution is based on the Guidelines which call for dark roofing materials in the District. Mr. Was and Mr. Bullock suggested that the Millers submit a new application to the HDRC proposing this as a way to address the massing, along with a new set of drawings that would accurately depict "as built" conditions. The Millers were told that such an application would likely win approval, thereby resolving the entire issue.

On April 11, 2007, a full year after staff first instructed Mrs. Miller to apply for a CAPP, the Millers submitted another CAPP application. In the application, the Millers explained that they would not paint the roof black because the blue roof is more environmentally friendly. Thus, the April 11 submission did not constitute a "new" application under Section 6-1904 (D) of the Zoning Ordinance because the application did not include any proposal to address the roofline and massing issues, the primary reason for the October 2, 2006 denial, and the HDRC could not review it again. The appeal, initially deferred from the January 9, 2007 agenda, was then scheduled for the June 13, 2007 public hearing.

Prior to the new construction, the property was in need of repair. There is no doubt that the Millers have endeavored to improve their property. However, the Millers were made fully aware of the County requirements associated with their project prior to construction. If the Millers had pursued HDRC review, it is likely that the error in measurement of the rear roof trusses would have been avoided and the Millers would now have a completed addition that is consistent with the Historic District Guidelines and the architectural style of the village of Lincoln.

III. Alternatives

1. The Board of Supervisors may deny the Miller appeal and uphold the HDRC's decision to deny the Millers' Certificate of Appropriateness (CAPP 2006-0025) for the "as built" alterations to the Miller house. In this case, the Millers must make a new application for a Certificate of Appropriateness that is approvable under the Historic District Guidelines which may include a solution such as raising the roofline of the main house, lowering the roofline constructed in error on the rear addition, or painting the roof black. Once a CAPP is obtained, the Millers can obtain appropriate building and permits. The Board may direct staff to keep additional fines in abeyance while the Millers pursue this course of action.
2. The Board of Supervisors may grant the Miller appeal. In this case, the Millers may apply for and obtain retroactive building permits and pursue required inspections without an approved CAPP.

Staff Contact

Heidi Siebentritt, Department of Planning

Attachments

Attachment 1	Miller Appeal
Attachment 2	Chronology
Attachment 3	February 7, 1977 Copy Teste regarding Adoption of District
Attachment 4	Property Owner Signature on Petition
Attachment 5	Map of Goose Creek Historic District
Attachment 6	April 18, 1977 Copy Teste regarding Failed Resolution in April 1977
Attachment 7	Stewart Letter Asking for Removal from District
Attachment 8	1980 VHL Survey of House
Attachment 9	Miller Permit Application
Attachment 10	LMIS Documentation of Miller Permit Status
Attachment 11	August Photograph of Rear Elevation from Zoning Enforcement
Attachment 12	Miller CAPP Application Submission
Attachment 13	October 2, 2006 HDRC Staff Report for Miller CAPP
Attachment 14	Excerpts from Historic District Guidelines
Attachment 15-17	Photographs of Subject Property
Attachment 18	HDRC Action Summary



VIRGINIA
HISTORIC LANDMARKS COMMISSION
HISTORIC DISTRICT SURVEY FORM

File No. 53-711
Negative no(s). 5537

Street address Route 722
Town/City Goose Creek Historic District, Lincoln
Historic name Cosmelia Janney House Common name Joseph Stewart House

Material ☒ wood frame (siding: ☒ weatherboard, ☐ shingle, ☐ aluminum, ☐ bricktex, ☐ _____
☐ brick (bond: ☐ Flemish, ☐ stretcher, ☐ _____course American, ☐ _____
☐ stone (☐ random rubble, ☐ random ashlar, ☐ coursed ashlar, ☐ _____
☐ log (siding: ☐ weatherboard, ☐ shingle, ☐ aluminum, ☐ bricktex, ☐ _____
☐ stucco ☐ cast iron
☐ concrete block ☐ terra cotta
☐ enameled steel ☐ glass and metal
☐ other: _____

Number of Stories	Roof Type	Roof Material
<input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2 1/2 <input type="checkbox"/> 3 <input type="checkbox"/> 2 <input type="checkbox"/> _____	<input type="checkbox"/> shed <input checked="" type="checkbox"/> gable <input type="checkbox"/> mansard <input type="checkbox"/> gambrel <input type="checkbox"/> pediment <input type="checkbox"/> parapet <input type="checkbox"/> hipped <input type="checkbox"/> flat <input type="checkbox"/> other: _____	<input type="checkbox"/> slate <input type="checkbox"/> wood shingle <input type="checkbox"/> composition <input checked="" type="checkbox"/> standing seam metal <input type="checkbox"/> tile <input type="checkbox"/> pressed tin <input type="checkbox"/> not visible <input type="checkbox"/> other: _____

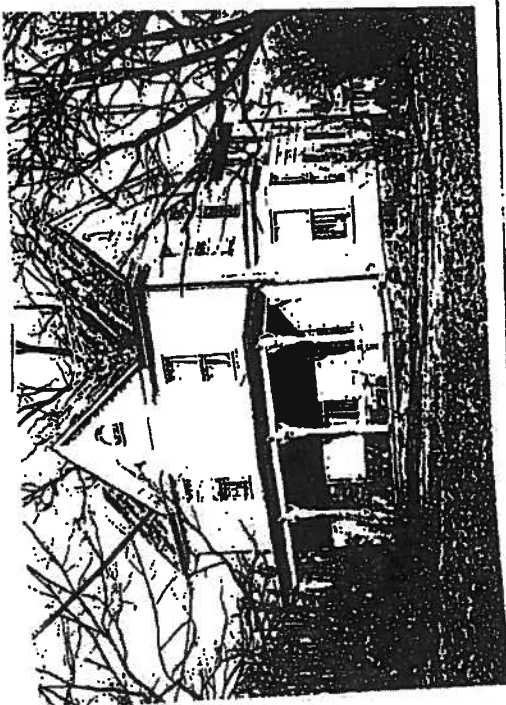
Dormers	Number of bays — Main facade
<input checked="" type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> shed <input type="checkbox"/> gable <input type="checkbox"/> pedimented <input type="checkbox"/> hipped <input type="checkbox"/> _____	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> _____

Porch	Stories	Bays	General description
<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> _____	<input type="checkbox"/> 1 (center) <input type="checkbox"/> 1 (side) <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> _____	bracketed posts; flat roof

Building type
☐ detached house ☒ detached town house ☐ row house ☐ double house
☐ garage ☐ farmhouse ☐ apartment building ☐ gas station
☐ government ☐ commercial (office) ☐ commercial (store) ☐ railroad
☐ industrial ☐ school ☐ church

Style/period Victorian Date 1880 Architect/builder

Location and description of entrance



Miscellaneous descriptive information (plan, exterior and interior decoration, cornice/eave type, window type and trim, chimneys, additions, alterations)

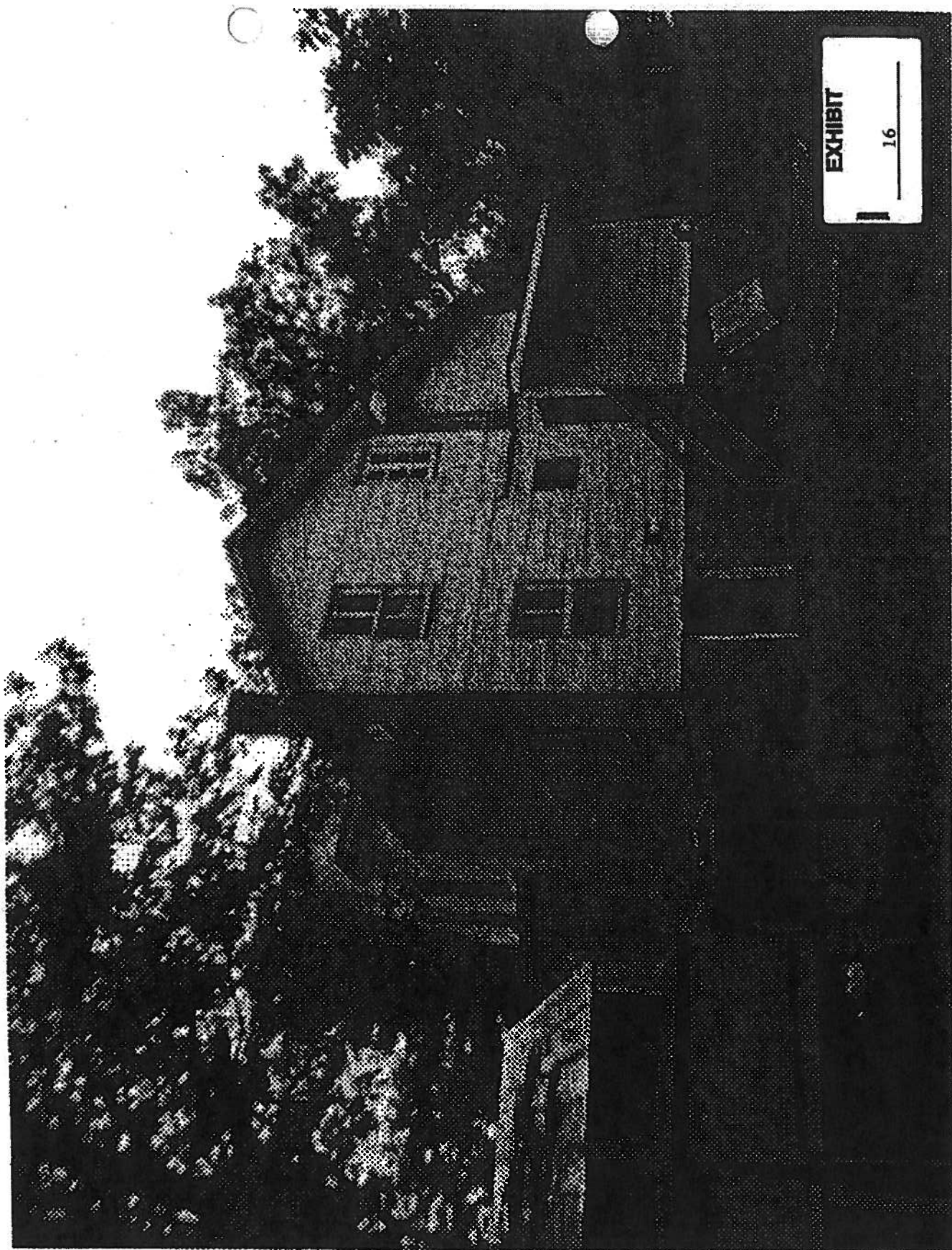
The Stewart House is a simple frame house with a molded wooden cornice with returns and a central projecting pediment with a shingled finish.

Historical information

The house was built in 1880. Cosmelia Janney, a local artist, lived here.

Source Report 53-711 surveyed by John G. Lewis
Surveyed by David Edwards Date 11/80

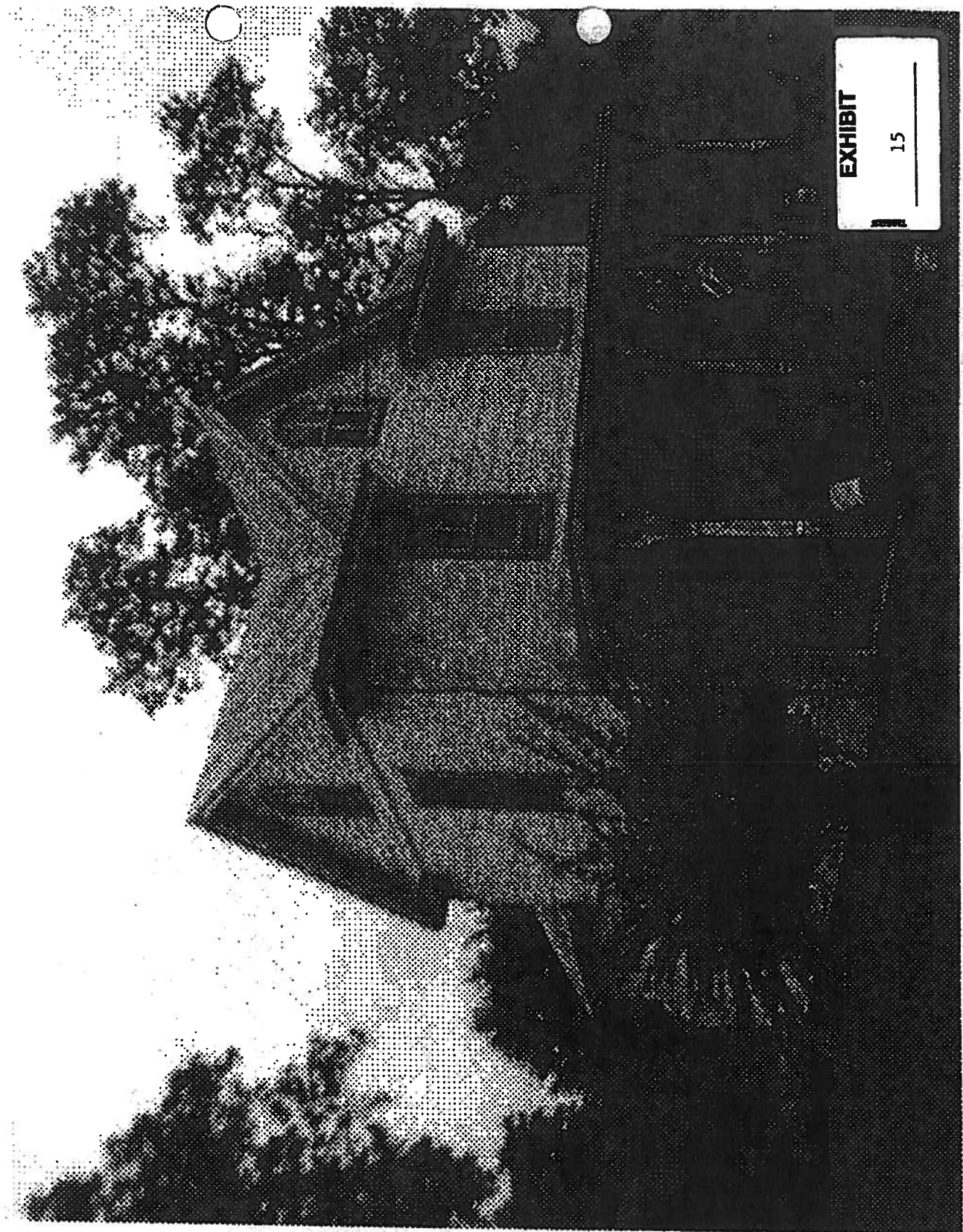
A-22



EXHIBIT

16

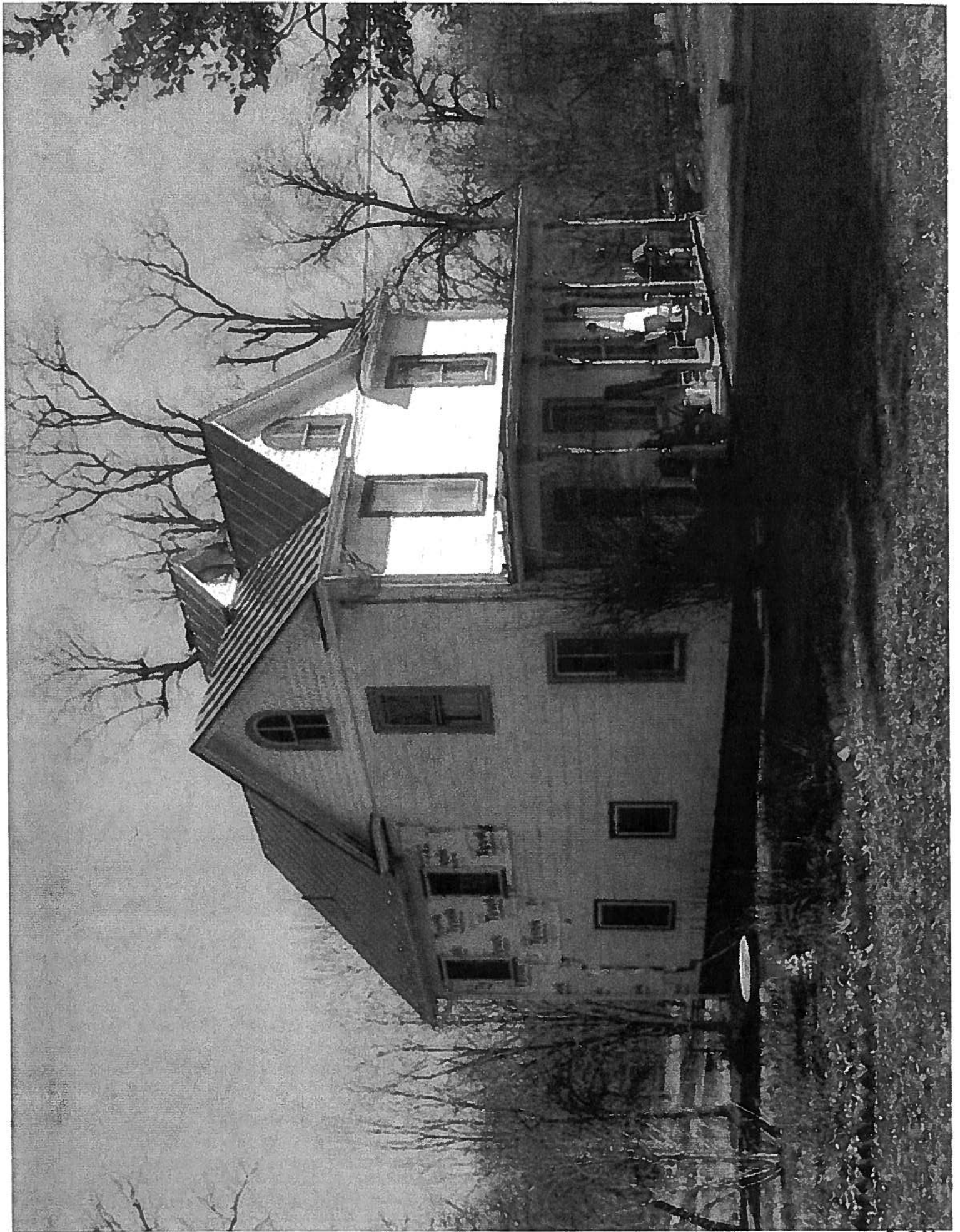
A-23



EXHIBIT

15

A-24

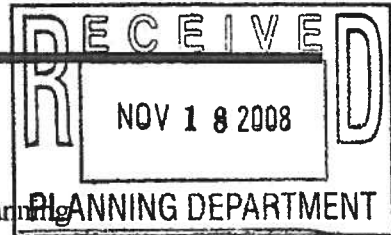


This page intentionally left blank.

COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

ZONING ADMINISTRATION REFERRAL



DATE: November 18, 2008

TO: Marchant Schneider, Project Manager, Department of Planning

THROUGH: Mark Stultz, Deputy Zoning Administrator

FROM: Rory L. Toth, Planner, Zoning Administration

RLT

CASE NUMBER & NAME: ZMAP-2008-0015 Miller Property- Removal From the Goose Creek Historic District 1st Submission

TAX MAP/PARCEL NUMBER (MCPI): /45/A/1////26/ 455-37-2171

Staff has reviewed the referenced revised zoning map amendment (**ZMAP**) application to include the Statement of Justification (SOJ) and Attachments 1-3, Plat dated June 27, 2003, Information Sheet with Map of the Goose Creek Historic District and Property and Pre-Application Notes dated August 14, 2007. The property is currently zoned Countryside Residential (CR-2) and Rural Commercial (RC) under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). The property is located within the Goose Creek Historic and Conservation District and the Lincoln Village Conservation Overlay District. The Applicant is requesting to remove the subject property from the Goose Creek Historic and Conservation District.

A. ZONING ORDINANCE COMMENTS

1. **Section 6-1803. Historic Site Districts.** The Applicant does not adequately address the criteria stated in this Section in their Statement of Justification regarding the removal of the property from the Goose Creek Historic District. Specifically, pursuant to Section 6-1803(B) (1-4), Staff questions whether the Application meets the criteria for removal of the property from the Goose Creek Historic District as the application must provide documentation that the property does not contribute to the district. In addition, the Application must demonstrate that the removal of the property from the historic district will not negatively affect or undermine the district. The Applicant claims in their SOJ that nothing of historical significance occurred in the house or the property itself. Staff defers to Comprehensive Planning to verify this claim. County Assessment Records show that the single family dwelling was built in the early 1900s. It is important to note that even if the Applicant's claim is correct, the house and property are still able to contribute to the overall intent and purpose of a Historic District stated in Section 6-1802 and Section 6-1803.
2. **Section 6-1204(E) Required Action By Another Board and Section 6-1808 Maintenance of Inventory of Buildings and Structures.** Pursuant to these Sections of the Zoning Ordinance, this application must be sent to the Historic District Review Committee for review prior to notification to an Applicant that an application is ready to

be presented to the Planning Commission or the Board of Supervisors.

3. **Section 6-1806 Procedures For Designation.** The Applicant does not adequately address the criteria stated in this Section in their SOJ regarding the removal of the property from the Goose Creek Historic District.
4. **Section 6-1807 Additions or Deletions to Districts and Section 6-1810 Appeals.** Pursuant to these Sections of the Zoning Ordinance, the procedures for adding or deleting a property from a historic district may be applied for in accordance with Section 6-1200 and be processed, reviewed and approved/disapproved as is provided for in this Section for the adoption of a historic district. Thus, the Applicant's SOJ must be revised so that it addresses the issues for consideration stated in Section 6-1211(E), as well as the criteria in Section 6-1800.

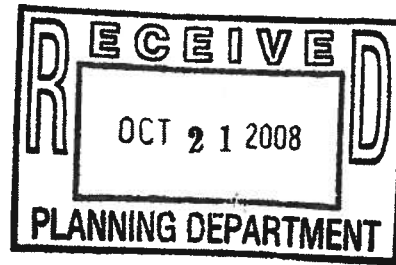
B. ZONING MAP AMENDMENT CONSIDERATION ITEMS

1. **Section 6-1211(E) (Item 1).** Regarding Item 1, Staff questions how this application is consistent with the Comprehensive Plan. Staff defers additional comment to the Department of Planning.
2. **Section 6-1211(E) (Item 13).** Regarding Item 13, Staff questions whether this application for removal of the property from a historic district meets the criteria of this Section and encourages the conservation of the property and its value and the encourages the most appropriate use of the land throughout the County. Staff defers additional comment to the Department of Planning.
3. **Section 6-1211(E) (Item 16).** Regarding Item 14, Staff questions whether this application negatively affects the scenic, archaeological and historic features of significant importance on the property. Staff questions the statement in the SOJ which states that there is no clear architectural style, especially in the original part of the house on the property. Staff is concerned that by removing the property from the historic district it further erodes the historic district in its entirety. Staff notes the property is also located within the Lincoln Village Conservation Overlay District and is concerned of the negative impact on the Village of Lincoln and the overall intent of the Village Conservation Overlay District. Staff defers additional comment to the Department of Planning.

C. SUMMARY

Staff is concerned that by removing the subject property from the Goose Creek Historic and Conservation District, it will perpetuate voids or holes in the district and further erode the overall intent of the district as a whole. Staff questions whether the application meets the criteria in the Zoning Ordinance for removal of the property from the Goose Creek Historic and Conservation District. If it is found that the Applicant's claim is true, the house and property are still able to contribute to the overall intent and future potential of the historic district.

To: Heidi Siebentritt
Subject: Miller Property
Date: October 16, 2008



Dear Heidi,

As requested by the Loudoun County Department of Planning, I am commenting on the proposal by Daniel and Elizabeth Miller to remove their house at 37824 Friendly Lane from the Goose Creek Historic District. As you know, the Goose Creek Historic District was listed on the Virginia Landmarks Register in 1981 and the National Register of Historic Places in 1982. Noted for its collection of vernacular architecture dating from the eighteenth through the early twentieth centuries, the district is particularly significant as one of the largest collections of Quaker farmsteads in the Commonwealth. The Miller House is noted in our inventory of properties within the district as the Cosmelia Janney House and is a well-preserved example of a ca. 1880-1900 house with features like wood-shingled gables, two-over-two-sash windows, a central front gable with a round-arched attic window, and a full porch across the front with jig-sawn carpentry work adorning it—all architectural characteristics of the Late Victorian era the house represents. As such, the house is a contributing property in the district despite some unsympathetic modern additions. In my opinion, the Miller House should not be removed from the local historic district for the reasons stated above. Locally designated districts are the only tool that local governments have to ensure that the rural and historic character of communities like the Goose Creek area are preserved.

Thank you for allowing the Northern Regional Office of the Virginia Department of Historic Resources to comment on this proposal. Please let me know if I can be of further assistance.

Sincerely yours,

David Edwards,
Director, Northern Regional Office

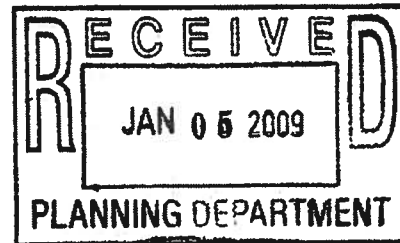
This page intentionally left blank.

31 December 2008

County of Loudoun
Department of Planning
1 Harrison Street S. E.
P.O. Box 7000
Leesburg, VA 20177-7000

Attention: Marchant Schneider Senior Planner

Dan & Liz Miller
37824 Friendly Lane
Purcellville, VA 20132



Subject: ZMAP 2008-0015, Miller Property - Response to Staff Statements

Mr. Schneider

After reading the statements made by the County Staff on the correction of the records we have asked for, we fail to see their bearing on this issue. As stated previously:

This rezoning request is a simple correction of the Zoning Map, this property was erroneously placed in the Historic District with only one signature of the two property owners. There is also a clear desire by the owner that did not sign the petition to not be included in the Historic District.

Statements have also been provided on the Cosmelia H. Janney living here error, please feel free to forward those signed statements to the appropriate state authorities to have the sate correct their record as well.

We respectfully request that the record be corrected, and remove the erroneous overlay as soon as possible.

Two handwritten signatures in black ink. The first signature is "Daniel D. Miller" and the second is "Elizabeth J. Miller".

Daniel D. Miller
Elizabeth J. Miller

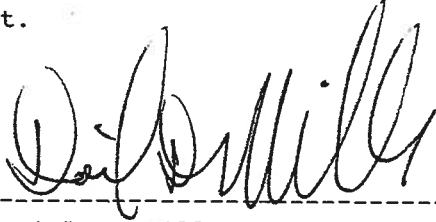
CC: Steve Moriarty Esq.

This page intentionally left blank.

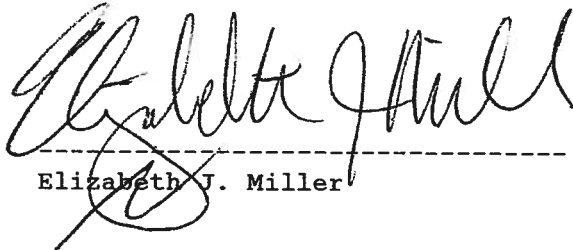
Daniel D. Miller and Elizabeth J. Miller are the applicants and owners of the subject property located on the tax map by #45A-1-26.

37824 Friendly Lane
Purcellville, VA 20132-4028

We both hereby request that our parcel of .9944 acres be rezoned to reflect the desire of the former owners to be excluded from the Goose Creek Historic District.



Daniel D. Miller



Elizabeth J. Miller

LCTM# 45A-1-26

MCPI# 455-37-2171

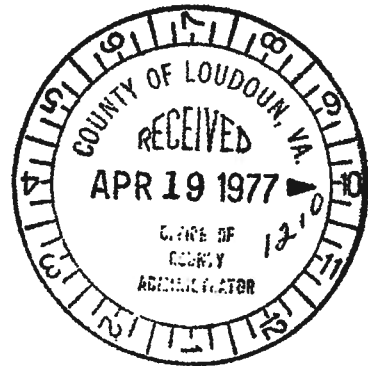
Rezoning Justification Statement

- I. This rezoning request is a simple correction of the Zoning Map, this house was erroneously placed in the Historic District with only one signature of the two property owners. There is also a clear desire by the owner that did not sign the petition to not be included in the Historic District. See Attachment (1)
- II. The Historic Justification Statement that the local artist Cosmelia H. Janney lived at this address is incorrect. Nothing of historical significance occurred in this house or on this property. See Attachment (2 and 3)
- III. Originally this house started out as a single room building, whether it was a house or not is a question it may have been a goat shed. A second room was added next to the first, it then might have been a dwelling. At some point after the turn of the century a third addition was added. With this house being built as three additions it had become a hodgepodge of design, and no clear architectural style, especially the original part.

Mr. Crossman,

We would like
to have our name removed from
the Goose Creek Historical Preservation
Society sheet.

Thank you,
Joseph L. Stewart
Pansy Stewart



August 31, 2007

To whom it may concern to correct the records regarding the property located at 37824 Friendly Lane, Purcellville Virginia 20132 Tax Map # 45A-1////26 PIN# 455-37-2171-000 Acreage:0.99. The statement that the house was built in 1889 and lived in by Cosmelia H. Janney, a local artist is not correct. The house was built in 1908 according to documents filed at the Loudoun County Court House and it does lie within the boundaries of the Goose Creek Historic District. Cosmelia H. Janney did not live in this house.

In 1873 Samuel and Elizabeth Janney deeded the property to Cornelia Janney.

In May of 1922 Cornelia Janney's will leaves the property to Ada P. Janney executor of the estate

In 1930 Ada P. Janney's will devised the property to Asa M. Janney, Senior.

In 1940 Asa M. Janney Senior's will devised the property to Asa M. Janney Jr. and Werner L. Janney.

In 1954 Asa M. Janney and Arlene G. Janney deeded the property to Werner L. Janney and Anne H. Janney

In 1962 Werner L. Janney and Anne H. Janney deeded the property to Nathan F. Copeland and Jean G. Copeland.

In 1968 Nathan F. Copeland and Jean G. Copeland deeded the property to Joseph L. Stewart and Pansy D. Stewart.


In 1999 Joseph L. Stewart's dies on June 7th 1999 leaving the property to his wife Pansy D. Stewart as the sole owner.

In 2002 Pansy D. Stewart's will names Sally Pearson Executor of her Estate.

In 2003 Sally Pearson acting as the trustee for the will of Pansy D. Stewart deeded the property to The David L. Lohmann Irrevocable Trust.

In 2003 David L. Lohmann's Irrevocable Trust deeded the property to Daniel D. Miller and Elizabeth J. Miller.

I believe this to be true and accurate to the best of my knowledge.

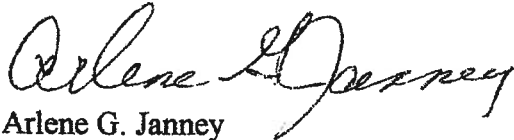

Arlene G. Janney
P.O. Box 73
Lincoln, VA 20160

Attachment 2 ~~out~~.

A-36

August 31, 2007

To whom it may concern to correct the records regarding the property located at 18129 Lincoln Road, Purcellville Virginia 20132 Tax Map # 45A-1/////6 PIN# 455-36-9172-000 Acreage:0.46. Located at the corner of Brooks Lane and Lincoln Road Route #722. Being a lifelong resident of Lincoln Virginia I know this property to be where Cosmelia H. Janney lived when she resided in Lincoln Virginia. I believe this to be true and accurate to the best of my knowledge.



Arlene G. Janney

P.O. Box 73
Lincoln, VA 20160

A-37

Attachment 2 cont.

When I married and moved
to Lincoln, Virginia in late July
of 1938, Cosmelia Hoge Janney
lived on the corner of Route 722
and Brooks Lane. There were no
street or road numbered addresses
at that time. The address is
now 18129 Lincoln Road.

Martha Sue McYee Gregg
September 8, 2007

September 6, 2007

To whom it may concern to correct the records regarding the property located at 18129 Lincoln Road, Purcellville Virginia 20132 Tax Map # 45A-1/////6 PIN# 455-36-9172-000 Acreage:0.46. Located at the corner of Brooks Lane and Lincoln Road Route #722. Being a lifelong resident of Lincoln Virginia since 1938 I know this property to be where Cosmelia H. Janney lived when she resided in Lincoln Virginia. I believe this to be true and accurate to the best of my knowledge.

Mrs. Sue M. Gregg

18015 Lincoln Road
Purcellville, VA 20132

This page intentionally left blank.

DATE AFFIDAVIT IS NOTARIZED: _____

Page B 1

APPLICATION NUMBER: _____

I, _____, do hereby state that I am an

___ applicant

___ applicant's authorized agent listed in Section B.1. below

in application Number(s): _____

and that to the best of my knowledge and belief, the following information is true:

B. MANDATORY DISCLOSURES

1. NAMES AND ADDRESSES OF REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application. Multiple relationships may be listed together. For multiple parcels, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold , above)
	Elizabeth J. Miller	37824 Friendly Ln Purcellville VA 20132	Applicant title owner
	Daniel D. Miller	37824 Friendly Ln Purcellville VA 20132	Applicant title owner

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

___ Real Parties of Interest information is continued on an additional copy of page B-1

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

DATE AFFIDAVIT IS NOTARIZED: _____

Page B 2

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Description of Corporation:

___ *There are 100 or fewer shareholders and all shareholders are listed below.*

___ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

___ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

___ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

___ Additional shareholder information is continued on an additional copy of page B-2

If multiple copies of this page are provided please indicate Page ___ of ___ pages.

DATE AFFIDAVIT IS NOTARIZED: _____

Page B 3

APPLICATION NUMBER: _____

3. **PARTNERSHIP INFORMATION**

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address (complete name, street address, city, state, zip)

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)

Check if applicable:

___ Additional Partnership information is included on an additional copy of page B-3.

4. One of the following options **must** be checked

___ In addition to the names listed in paragraphs B. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

___ Other than the names listed in B. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

___ Additional information for Item B. 3. is included on an additional copy of page B-3.

If multiple copies of this page are provided please indicate Page ____ of ____ pages.

Revised May 10, 2007

A43

APPLICATION NUMBER: _____

C. VOLUNTARY DISCLOSURE

1. That no member of the Loudoun County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

None

2. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household and family, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 1% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$100 or more, singularly or in the aggregate with any of those listed in Section B, above.

EXCEPT AS FOLLOWS: (If none, so state).

None

3. The following constitutes a listing of names and addresses of all real parties in interest in the real estate which is the subject of this application, including the names and addresses of all persons who hold a beneficial interest in the subject property, who have, within five years of the application date, contributed, by gift or donation, more than one hundred dollars to any current member of the Board of Supervisors:

NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)

___ Additional County-Official information for Item C is included on an additional page C-1.

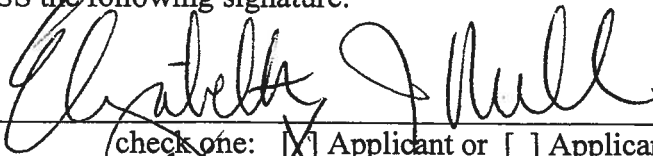
If multiple copies of this page are provided please indicate Page ___ of ___ pages.

APPLICATION NUMBER: _____

D.

That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Section C. above, that arise on or after the date of this application.

WITNESS the following signature:



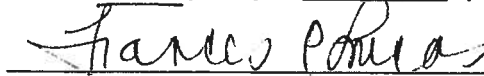
7/14/2008

check one: ☒ Applicant or ☐ Applicant's Authorized Agent

Elizabeth Jane Miller

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 14 day of July, 2008, in
the State/Commonwealth of VIRGINIA, in the County/City of LOUDOUN



Notary Public

My Commission Expires: 8/31/2008Registration NO 152919